

EXHIBIT D
MOTIONS FOR SUMMARY
DOCS. 208 & 210

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NATIONAL COALITION ON
BLACK CIVIC PARTICIPATION,
MARY WINTER, GENE
STEINBERG, NANCY HART,
SARAH WOLFF, KAREN SLAVEN,
KATE KENNEDY, EDA DANIEL, and
ANDREA SFERES,

Plaintiffs,
-and-

People of the STATE OF NEW
YORK, by its attorney general,
LETITIA JAMES, ATTORNEY
GENERAL OF THE STATE OF
NEW YORK

Plaintiff-Intervenor,

v.

JACOB WOHL, JACK BURKMAN,
J.M. BURKMAN & ASSOCIATES,
LLC, PROJECT 1599, MESSAGE
COMMUNICATIONS, INC., and
ROBERT MAHANIAN,

Defendants.

Civil Action No. 20-cv-08668-VM-OTW

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Randy E. Kleinman and all the Exhibits annexed thereto, the accompanying Memorandum of Law in support of Defendants' Motion for Summary Judgment, and all other pleadings and filings in this action, Defendants Jacob Wohl, Jack Burkman, J.M. Burkman & Associates LLC, and Project 1599 hereby moves the Court, before the Honorable Victor Marrero, United States District Court Judge, at the United States District Courthouse for the Southern District of New York, located at 500

Pearl Street, New York, New York 10007, at a date and time convenient for the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Defendants' Motion for Summary Judgment and dismissing all claims in this action with prejudice, together with such other relief as the Court deems just, proper and equitable.

PLEASE TAKE FURTHER NOTICE, that oral argument will occur on a date and a time designated by the Court.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Court's briefing schedule, any papers in opposition to this motion are to be served on the undersigned counsel or before August 12, 2022, and reply papers in support of this motion are to be served on or before September 19, 2022.

Dated: July 29, 2022

GERSTMAN SCHWARTZ LLP

By: /s/ Randy E. Kleinman
Randy E. Kleinman
David M. Schwartz
1399 Franklin Avenue, Suite 200
Garden City, New York 11530
Telephone: (516) 880-8170
Facsimile: (516) 880-8171
rkleinman@gerstmanschwartz.com
dschwartz@gerstmanschwartz.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL COALITION ON
BLACK CIVIC PARTICIPATION,
MARY WINTER, GENE
STEINBERG, NANCY HART,
SARAH WOLFF, KAREN SLAVEN,
KATE KENNEDY, EDA DANIEL, and
ANDREA SFERES,

Plaintiffs,
-and-

People of the STATE OF NEW
YORK, by its attorney general,
LETITIA JAMES, ATTORNEY
GENERAL OF THE STATE OF
NEW YORK

Plaintiff-Intervenor,

v.

JACOB WOHL, JACK BURKMAN,
J.M. BURKMAN & ASSOCIATES,
LLC, PROJECT 1599, MESSAGE
COMMUNICATIONS, INC., and
ROBERT MAHANIAN,

Defendants.

I, Randy E. Kleinman, an attorney duly admitted to practice law in the State of New York, hereby affirms upon information and belief pursuant to 28 U.S.C. § 1746 and under the penalties of perjury that:

1. I am a partner with the law firm of Gerstman Schwartz LLP which represents Defendants Jacob Wohl, Jack Burkman, J.M. Burkman & Associates, LLC, and Project 1599 in this action.

Civil Action No. 20-cv-8668

**DECLARATION OF RANDY E.
KLEINMAN**

2. I submit this declaration in support of Defendants' Motion for Summary Judgement and to place before the Court certain documents in support of Defendants' motion.

3. Attached hereto as Exhibit A is a true and correct copy of the deposition transcript of Plaintiff, Andrea Sferes, taken on April 19, 2022.

4. Attached hereto as Exhibit B is a true and correct copy of the deposition transcript of Plaintiff, Eda Daniel, taken on April 9, 2022.

5. Attached hereto as Exhibit C is a true and correct copy of the deposition transcript of Plaintiff, Gene Steinberg, taken on May 9, 2022.

6. Attached hereto as Exhibit D is a true and correct copy of the deposition transcript of Plaintiff, Kate Kennedy, taken on April 8, 2022.

7. Attached hereto as Exhibit E is a true and correct copy of the deposition transcript of Plaintiff, Karen Slaven, taken on April 8, 2022.

8. Attached hereto as Exhibit F is a true and correct copy of the deposition transcript of Plaintiff, Mary Winter, taken on May 9, 2022.

9. Attached hereto as Exhibit G is a true and correct copy of the deposition transcript of Plaintiff, Nancy Hart, taken on April 10, 2022.

10. Attached hereto as Exhibit H is a true and correct copy of the deposition transcript of Plaintiff, Sarah Wolff, taken on May 2, 2022.

11. Attached hereto as Exhibit I is a true and correct copy of the deposition transcript of Plaintiff, Tameka Ramsey Brown, taken on May 25, 2022.

12. Attached hereto as Exhibit J is a true and accurate copy of Defendants Jacob Wohl, Jack Burkman, J.M. Burkman & Associates, and Project 1599's Expert Disclosures dated May 9, 2022.

13. Attached hereto as Exhibit K is a true and accurate copy of Plaintiff People's Expert Disclosures, dated April 18, 2022 and May 28, 2022.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 29, 2022

GERSTMAN SCHWARTZ LLP

By: /s/ Randy E. Kleinman
Randy E. Kleinman
David M. Schwartz
1399 Franklin Avenue, Suite 200
Garden City, New York 11530
Telephone: (516) 880-8170
Facsimile: (516) 880-8171
rkleinman@gerstmanschwartz.com
dschwartz@gerstmanschwartz.com

Attorneys for Defendants